

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MERVYN L. DE AMARAL, et al.,

Plaintiffs,

No. C 12-3580 PJH

v.

ORDER GRANTING MOTION TO STRIKE

GOLDSMITH & HULL, et al.,

Defendants.

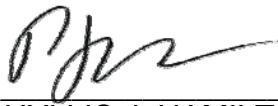
13 Plaintiffs' motion to strike defendants' affirmative defenses came on for hearing
14 before this court on April 24, 2013. Plaintiffs Mervyn De Amaral and Jody Lin De Amaral
15 ("plaintiffs") appeared through their counsel, Fred Schwinn. Defendants Goldsmith & Hull
16 and Eric Scott Mintz ("defendants") appeared through their counsel, Jack Hull. Having read
17 the papers filed in conjunction with the motion and carefully considered the arguments and
18 relevant legal authority, and good cause appearing, the court hereby GRANTS plaintiffs'
19 motion to strike for the reasons stated at the hearing, and as follows.

20 As an initial matter, the court does not favor motions to strike, and agrees with
21 defendants that affirmative defenses need not be pled with great factual detail. However, in
22 this case, defendants have asserted twenty boilerplate affirmative defenses without any
23 regard to whether the defenses are applicable to plaintiffs' claims, or whether they are
24 duplicative of each other, or whether they are even affirmative defenses at all. The court
25 further finds that, even though detailed factual allegations are not necessary, defendants
26 must provide at least some factual basis for their asserted defenses. For those reasons,
27 plaintiffs' motion to strike is GRANTED, with leave to amend. Defendants shall have until
28 **May 15, 2013** to file an amended answer, which shall include only non-duplicative defenses

1 that apply to a Fair Debt Collection Practices Act claim or a Rosenthal Fair Debt Collection
2 Practices claim, and which shall provide factual bases for any asserted defenses.

3 **IT IS SO ORDERED.**

4 Dated: April 25, 2013


5 PHYLLIS J. HAMILTON
6 United States District Judge